

Law Offices of Travis Gagnier, Inc., P.S.
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Judge Mary Jo Heston
CHAPTER 13
Hearing Date: October 6, 2022
Hearing Time: 1:00 p.m.
Response Date: September 29, 2022
Location: Tacoma

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

IN RE:

NO. 22-41028

AUSTIN, Teresa Marie,

Debtor.

**NOTICE OF HEARING, OBJECTION TO
CLAIMS and PROOF OF SERVICE**

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that the attached objection will be heard before Judge Mary Jo Heston, Union Station, Courtroom H, 1717 Pacific Ave., Tacoma, WA 98401, on the 6th day of October 2022 at the hour of 1:00 p.m. or as soon thereafter as the Court may direct, at which time you may appear and offer your evidence as to why the Objection should not be sustained.

IF IT IS YOUR INTENTION TO BE HEARD IN THIS MATTER, YOU MUST GIVE WRITTEN RESPONSE TO THE COURT at UNION STATION 1717 PACIFIC AVENUE SUITE 2100 TACOMA WA 98402-3233 AND TO DEBTOR'S ATTORNEY, the LAW OFFICES OF TRAVIS GAGNIER INC P.S. P.O. BOX 3949, FEDERAL WAY, WA 98063, no later September 29, 2022, or you will be deemed to be in default, the allegations herein may be taken as true, and the relief sought herein may be granted with an Order being entered accordingly.

DATED this 29th day of August 2022.

Law Offices of Travis Gagnier, Inc., P.S.
Attorneys for Debtor

/s/ Travis A. Gagnier
Travis A. Gagnier, WSBA #26379
Gregory Jalbert, WSBA #9480

NOTICE OF HEARING, OBJECTION TO CLAIM
AND PROOF OF SERVICE - 1

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OBJECTION

COMES NOW, the Debtor by and through her attorney, the Law Offices of Travis Gagnier, Inc., P.S. and objects to claim No. 3 filed by WSECU in the amount of \$5,855.68 on August 23, 2022 **and** claim No 4 filed by WSECU in the amount of \$5,645.94 on August 23, 2022. The Debtor objects to WSECU's valuation of the Debtor's 2014 Volkswagen Passat at \$13,900.00. This is a used automobile in fair condition. The Carfax History-Based Retail Value Report, a copy of which is attached to this Objection, states the value of this particular vehicle to be \$10,820.00. Therefore, the Debtor objects to WSECU's valuation and ask the court to find that the fair market value of the Debtor's 2014 Volkswagen Passat to be \$10,820.00.

If the vehicle is properly valued at \$10,820.00, then the secured claim No. 4 of WSECU is not affected—it remains fully secured—but the other claim, claim No. 3 of WSECU is affected. Claim no. 3 of WSECU should be allowed as secured in the amount of \$5,174.04 only with the balance being treated as unsecured. An Order reflecting the impact on both claims related to the vehicle filed by WSECU should be entered to avoid confusion and to ease administration of the case.

DATED this 29th day of August 2022.

Law Offices of Travis Gagnier, Inc., P.S.
Attorneys for Debtors

/s/ Travis A. Gagnier
Travis A. Gagnier, WSBA #26379
Gregory Jalbert, WSBA #9480

DECLARATION

Jennifer Roberts, under penalty of perjury does hereby state the following:

1. That your declarant is over the age of 18 and competent to testify as to the matters set forth herein.
2. That I am a paralegal in the Law Offices of Travis Gagnier, Inc., P.S., which represents the Debtors in this above-entitled case. As part of my duties at work I regularly obtain Carfax History-Based Value Reports for clients when they have what is known as “Non-910” vehicle.
3. In the instant case, I obtained on August 24, 2022 the Vehicle Identification Number (VIN) for the Debtor’s 2014 Volkswagen Passat. I designated her car as a car in “fair condition” after ascertaining from the debtors the condition of this particular vehicle.
4. To obtain the report, I am required to access the firm’s account with Carfax, I then enter the VIN and condition of the specific vehicle in question. The firm is billed per vehicle report. In this case, I followed this procedure and received the Carfax History-Based Value report concerning the Debtor’s 2014 Volkswagen Passat. A true and correct copy of the report I received is attached to this Objection.

DATED this 29th day of August 2022

/s/ Jennifer Roberts
Jennifer Roberts
Senior Paralegal

PROOF OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that I filed the original of the foregoing with the United States Bankruptcy Court and served a true copy thereof to:

U.S. Trustee

Chapter 13 Trustee

via ECF, and to:

WSECU
Attn: Ben Morales CEO
POB WSECU
Olympia WA 98507

via U.S. first-class mail postage pre-paid, on the 29th day of August 2022.

/s/ Gregory J. Jalbert
Gregory J. Jalbert